

EXHIBIT C

TAYLOR COUNTY SHERIFF'S DEPARTMENT

JAIL POLICY

Subject: Prison Rape Elimination Act (PREA)

Policy #

Effective Date:

Approved by: Sheriff Bruce A. Daniels

PURPOSE: To protect the inmates of the Taylor County Jail from sexual misconduct, there shall be no sexual activity between staff and inmates nor inmates and inmates. Taylor County will comply with the Prison Rape Eliminate Act (PREA). PREA is a Federal law established to address the elimination and prevention of sexual assault and rape in correctional systems. PREA applies to all federal, state, and local jails, police lock ups, private facilities, and community settings such as residential facilities, to ensure that sexual misconduct, harassment, or inappropriate behaviors are reported immediately, accurately, and completely. Taylor County Sheriff's Office employs a zero tolerance standard regarding all forms of sexual abuse and sexual harassment. The sheriff will designate an agency wide PREA Coordinator to develop, implement, and oversee agency PREA efforts.

DEFINITIONS:

STAFF – For the purpose of this policy, staff includes all Taylor County Sheriff's Department employees, vendors, contracted employees, volunteers and those with facility access.

SEXUAL MISCONDUCT – Any behavior or act of a sexual nature directed toward an inmate, detainee, victim, witness, complainant or offender by an employee, volunteer, vendor, contractor, visitor or agency representative. This includes acts or attempts to commit such acts including, but not limited to, sexual assault, sexual abuse, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity and unreasonable or unnecessary invasion of privacy. Sexual misconduct also includes, but is not limited to, conversations or correspondence that suggests a romantic or sexual relationship involving any person mentioned above.

Sexual misconduct is not limited to unwanted sexual contact. Sexual misconduct is also a range of behaviors or situations that include inappropriate remarks, sexualized name-calling, correspondence, conversations, inappropriate displays, fondling, inappropriate viewing, and sexual contact with individuals vulnerable to the authority of the justice system or any other person in a work setting. Sexual romantic relationships between supervisors and those under their supervision are presumed to be coercive and may be deemed sexual harassment or misconduct.

INMATE / INMATE SEXUAL ASSAULT/CONDUCT – One or more inmates engaging in, or attempting to engage in, a sexual act with another inmate, or the use of threats, intimidation, inappropriate touching, or other actions and/or one or more inmates aimed at coercing and/or pressuring another inmate to engage in a sexual act.

INMATE / STAFF SEXUAL ASSAULT/CONDUCT – Any type of sexual assault /conduct as defined in Wisconsin State Statutes. Any type of consensual sexual activity or contacts between inmates, even when no objections are raised, is prohibited acts.

ZERO TOLERANCE – For purpose of this policy, zero tolerance means the department will respond to every allegation of sexual misconduct. All cases will be investigated and all guilty parties will be disciplined or prosecuted according to the law.

PROCEDURES:

I. Intake Screening

- A. Inmates will be screened in an attempt to identify those likely to be sexual aggressors or sexual victims. Reasonable attempts will be made to house inmates in an effort to prevent sexual abuse or assault.
- B. Inmates who are identified as "high risk" for sexually aggressive behavior or for sexual victimization will be assessed by a mental health or other qualified professional. These identified inmates will be monitored and counseled as deemed appropriate.

II. Reporting Requirement for Staff

- A. Any employee or staff member who knows or reasonably suspects that any employee may be or has been involved in sexual misconduct is required to inform Jail Administration. To protect the reputations and integrity of all persons engaged in such a process, including the accuser, the accused, and the alleged victim, all such reports shall be dealt with as matters of highest discretion both before and after they have been submitted to appropriate authorities.
- B. Retaliation in any form against those who report misconduct is strictly prohibited.
- C. False reports or allegations may result in discipline and potential prosecution.
- D. Upon receiving a report of alleged sexual misconduct, the Jail Administration will initiate the necessary investigation and notify the appropriate parties as required.

III. Reporting Requirements for Inmates

- A. Any inmate in the Taylor County Jail that believes they have been sexually assaulted or harassed or have knowledge of such acts may report this violation in the following manner. The inmate shall report the violation to any officer or other staff member directly. In case of sexual assault, the inmate will be instructed not to shower or wash until examined by medical staff. If the inmate is not comfortable with this reporting option they may request a Grievance or Request Form from any officer and make their complaint and have it sealed and sent directly to Jail Administration for review. The inmate will be asked to provide a written account of the accusations listing any facts wished to be considered.
- B. Retaliation in any form against those who report misconduct is strictly prohibited.

- C. False reports or allegations may result in discipline and potential prosecution.
- D. Upon receiving a report of alleged sexual misconduct, the jail staff will initiate the necessary investigation and notify the appropriate parties as required.

IV. Actions To Be Taken

The following actions will occur:

- A. Separate the accused and victim.
- B. Appropriate Law Enforcement Personnel will be notified.
- C. An Internal Investigation will be completed to determine if the complaint has merit.
- D. Secure any property, physical evidence, or the crime scene.
- E. Medical staff will be notified if appropriate and a medical exam is needed...
- F. The victim will be advised of contact procedures and services available for mental health counseling.

V. Investigation

- A. All reported violations of sexual misconduct, including sexual assault and harassment, will be investigated and, as warranted, will be resolved through appropriate disciplinary processes and/or criminal proceedings in accordance with applicable state and federal laws.
- B. The rights of both the accused and the complainant shall be protected, and the confidentiality of proceedings will be maintained to the fullest extent possible. A thorough and competent investigation into the allegations will be conducted to clearly support or refute the allegations, by evidence, information gathered from witnesses, and documentation. Primary consideration will be to safeguard the well being and security of the complainant and the subject, thus ensuring the integrity and credibility of the process and the Sheriff's Department.
- C. All allegations of staff sexual misconduct will be treated seriously. The response to allegations of staff sexual misconduct will be to determine the merits of the allegations consistent with the following goals.
 - 1. Protection of victims from misconduct, retaliation or intimidation.
 - 2. Protection of staff against false accusations of sexual misconduct.
 - 3. Preservation of the integrity of criminal and administrative investigations.
 - 4. Support for victims so that reporting of sexual misconduct is not deterred.
 - 5. A fair and just resolution of allegations.

D. In addition to this policy on sexual misconduct, Wisconsin Statutes makes it a criminal offense for correctional staff members to have sexual contact with an individual confined in a correctional institution.

1. Staff members who are found to have engaged in staff sexual assault of offenders will be disciplined to the fullest extent possible up to and including termination from employment.
2. Under Wisconsin Statutes, consent is not an element in a criminal case of staff sexual assault of an offender. The law presumes that consent is impossible because of the unequal power relationship between staff and offenders.

VI. Follow Up Documentation

- A. The findings of the appropriate investigative authority are released to Jail Administration for any follow up.
- B. A review of the placement status of the victim and accuser will be completed.
- C. A copy of all reports will be distributed according to law. Once the Taylor County Sheriff's Department receives an allegation of sexual misconduct, a course of action will be determined and it will be investigated to determine the action to be taken including criminal and/or administrative action.

VII. Employee Assistance Program

- A. The Employee Assistance Program (EAP) can be accessed for help and guidance when employees believe that they are blurring the professional boundaries and need assistance in maintaining those boundaries.
- B. The EAP can provide needed support to staff members who have reported misconduct, are witnesses, or are even the subject of the investigation. It is recommended that any employee who is notified that he/she is the subject of an investigation be reminded of the EAP and provided with contact information.